

1 C. BENJAMIN SCROGGINS
 2 Nevada Bar No. 7902
THE LAW FIRM OF
C. BENJAMIN SCROGGINS, CHTD.
 3 302 East Carson Avenue, 10th Floor
 Las Vegas, NV 89101
 (702) 328-5550 (phone)
 (702) 442-8660 (fax)
 Email: info@cbscrogginslaw.com

5 *Attorney for Plaintiff*

7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

9 SEAN RODNEY ORTH,

10 Plaintiff,

v.

11 PHILLIP DUFFY, ET. AL.,

12 Defendants.

Case No.: 2:21-cv-01988-GMN-MDC

13 **STIPULATION AND PROPOSED ORDER**
 14 **TO EXTEND DISCOVERY**
 15 **(SECOND REQUEST)**

16 Plaintiff, Sean Rodney Orth, (“Plaintiff”), through his attorney, C. Benjamin Scroggins, Esq. of
 17 The Law Firm of C. Benjamin Scroggins, and Defendants, Calvin Johnson, Julie Williams, Dr. Wilson
 18 Bernales, and Dr. David Rivas, (Collectively “NDOC Defendants”) by and through counsel, Aaron D.
 19 Ford, Esq., Nevada and Mayra Garay, Deputy Attorney General, of the State of Nevada, Office of
 20 Attorney General; Defendants, Phillip Duffy, Paul Baldino, Brent Bowler, Ashley Mangan, and Alex
 21 Nelson (collectively “Henderson Police Defendants”) by and through counsel, Nichloas G. Vaskov,
 22 Henderson City Attorney, Brandon P. Kemble, Assistant City Attorney, and Brian R. Reeve, Assistant
 23 City Attorney, respectfully submit the following Stipulation to extend discovery deadlines (second
 24 request.)

25 **I. MEETING**

- 22 a. C. BENJAMIN SCROGGINS, ESQ. of The Law Firm of C. Benjamin Scroggins, Chtd.,
 23 representing Plaintiff; and
- 24 b. MAYRA GARAY, Deputy Attorney General, of The Office of Nevada Attorney General,
 25 representing Defendants, Calvin Johnson, Julie Williams, Dr. Wilson Bernales, Dr. David

1 Rivas;

- 2 c. BRANDON KEMBLE, Assistant City of Henderson City Attorney, representing Phillip
3 Duffy, Paul Baldino, Brent Bowler, Ashley Mangan, and Alex Nelson;
4 d. Counsel met and conferred on or about March 5, 2025, concerning the request to extend
5 discovery deadlines.

6 **II. INITIAL DISCLOSURES**

- 7 a. Plaintiffs' and Defendants' discovery is ongoing and continuing to supplement. As per
8 LR 26-3, to date only disclosures have been provided.

9 **III. LOCAL RULE 26-3 REQUIREMENTS**

10 a. **Discovery Completed**

11 Both Plaintiff and Defendants Counsel have exchanged only their disclosures to date.

12 b. **Discovery Plan/Deadlines**

13 i. Written Discovery

- 14 1. Interrogatories
15 2. Request for Production of Documents
16 3. Request for Admissions
17 4. Depositions

18 ii. Experts

- 19 1. Medical Experts

20 c. **Reasons Remaining Discovery was not Completed**

21 This extension will not prejudice any party and will ensure that all parties have adequate time to
22 complete necessary discovery in light of unfortunate circumstances. This is the SECOND request for an
23 extension of the discovery deadlines in this matter. The first Stipulation and Order extending discovery
24 deadlines in this case was filed on November 7, 2024. Shortly thereafter, Plaintiff's counsel's mother
25 was placed into hospice care due to sudden complications with cancer. On November 27, 2024,
Plaintiff's counsel's mother died. On November 29, 2024, Plaintiff's counsel learned that a tenant of his
had died while out of the country. Plaintiff's counsel spent much of December and part of January
arranging for his mother's funeral and dealing with her estate. At the same time, Plaintiff's counsel had

1 to work with his tenant's family to arrange for the disposition of his belongings.

2 On February 2, 2025, Plaintiff's counsel's Legal Assistant, Kelly Jarvi, was attacked by a dog
 3 and suffered severe injuries to her Achilles tendon. She was required to miss several weeks of work and
 4 may still require surgery. Since Ms. Jarvi is Plaintiff's counsel's only employee, her absence has greatly
 5 impacted Plaintiff's counsel's workflow and it has created a backlog of deadlines.

6 **d. Proposed Schedule for Completing Remaining Discovery**

7 Federal Rule of Civil Procedure 16(b)(4) allows for modification of a scheduling order for good
 8 cause. Good cause is set forth below. The parties have conferred and stipulate to the following proposed
 extension of discovery deadlines:

	Current Deadline	Proposed Deadline
	Date	Date
Discovery Cut-Off	April 6, 2025	September 8, 2025
Expert Disclosures	February 5, 2025	July 7, 2025
Rebuttal Disclosures		August 8, 2025
Dispositive Motions	May 6, 2025	October 8, 2025

14 **IV. GOOD CAUSE AND EXCUSABLE NEGLECT**

15 This extension will not prejudice any party and will ensure that all parties have adequate time to
 16 complete necessary discovery in light of unfortunate circumstances. This is the SECOND request for an
 17 extension of the discovery deadlines in this matter. The first Stipulation and Order extending discovery
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24 On February 2, 2025, Plaintiff's counsel's Legal Assistant, Kelly Jarvi, was attacked by a dog
 25 and suffered severe injuries to her Achilles tendon. She was required to miss several weeks of work and
 may still require surgery. Since Ms. Jarvi is Plaintiff's counsel's only employee, her absence has greatly

1 impacted Plaintiff's counsel's workflow and it has created a backlog of deadlines.

2 The parties contend that good cause exists to extend discovery. The current discovery deadlines
3 could have been reasonably met but for the unforeseeable personal circumstances of Plaintiff's
4 counsel and his assistant.

5 **V. OTHER ISSUES**

6 **a. Alternative Dispute Resolution**

7 The parties believe that this case might be appropriate for a mediation or settlement conference.
8 However, there is much discovery to be obtained and reviewed before such efforts would be meaningful.

9 By entering into this stipulation, none of the parties waive any rights or defenses they have under
10 statute, law, or rule with respect to Plaintiff's complaint.

11 DATED this 12th day of March, 2025.

12 **THE LAW FIRM OF
C. BENJAMIN SCROGGINS, CHTD.**

13 

14 C. BENJAMIN SCROGGINS, ESQ.
Nevada Bar No. 7902

15 *Attorney for Plaintiff*

16 DATED this 12th day of March, 2025.

17 Nicholas Vaskov
Henderson City Attorney

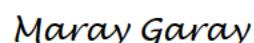
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19 BRANDON P. KEMBLE
Assistant Henderson City Attorney
Nevada Bar No. 11175

20 *Attorneys for City of Henderson Defendants*

11 DATED this 12th day of March, 2025.

12 Aaron D. Ford
Attorney General

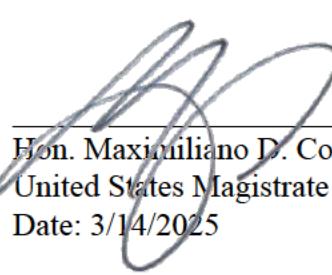
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14 MARAY GARAY, ESQ.
Deputy Attorney General
Nevada Bar No. 15550

15 *Attorney for State Defendants*

16 **ORDER**

17 The deadline for the joint pretrial order is 30 days after the
18 dispositive-motion deadline. If dispositive motions are
19 filed, the deadline for filing the joint pretrial order will be
20 suspended until 30 days after decision on the dispositive
21 motions or further court order. In the future, stipulations
22 must include the judicial signature block on the same page
23 as the last substantive matter, per LR IA 6-2

24 
Hon. Maximiliano D. Couvillier III
United States Magistrate Judge
Date: 3/14/2025